

ENTERED

October 02, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE APACHE CORP.
SECURITIES LITIGATION

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§ CIVIL ACTION NO. 4:21-cv-00575
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ORDER

We are going to do things a little differently for the December 6, 2023 hearing on Lead Plaintiffs' Motion for Class Certification. I am issuing this order now to give the parties time to prepare for what I hope will prove to be a more efficient format.

At the start of the hearing, I will give each side up to 15 minutes to make opening remarks. Then, I will ask my questions. I would appreciate each side endeavoring to answer my questions as directly as possible, recognizing that I have read everything in record and all the cases cited in the briefing.

Once I am done with my questions, I will hear from the experts. However, neither side will take a live, direct examination of its expert. Rather, one week before the hearing—on November 29, 2023—each side will file a proposed direct examination of its expert along with any accompanying exhibits. Once Plaintiffs' expert is sworn in at the hearing, I will ask the expert if they are willing to adopt the proffered direct examination as their testimony under the penalty of perjury. After handling objections (if any) and admitting the direct examination and accompanying exhibits into evidence, Defendants will begin their live cross-examination. We will repeat this process for Defendants' expert, with the court hearing live only Plaintiffs' cross-examination of Defendants' expert.

By eliminating the live, direct examination of experts, we can get straight to the heart of the matter. Both sides and their experts will benefit from the opportunity to present their ideal direct examination, and to prepare their cross-examinations knowing exactly what the other side will say in advance. Meanwhile,

my staff and I will have a week in advance to review the direct examinations and exhibits. In other words, everyone should come to the hearing as prepared as possible, enabling us to cut to the chase.

I will ask the parties for their feedback on this method at the conclusion of the hearing, so that I can understand what worked and what did not work. Either way, I offer my thanks in advance for both sides' willingness to try something new.

SIGNED this 2nd day of October 2023.



ANDREW M. EDISON
UNITED STATES MAGISTRATE JUDGE